PRESENTATION OF PETITION RE: DIFFICULTIES FACED BY BEEDI WORKERS IN THE COUNTRY

श्री राम अवधेश सिंह (बिहार) : महोदया, मैं देश मे बीड़ी कर्मकारों को पेश आ रही कठिनाइयों के संबंध में श्री जरार खान, संयुक्त सचिव, फर्रुखाबाद जिला बीड़ी मजदूर संघ, गुरसहायगंज, फर्रुखाबाद (उत्तर प्रदेश) द्वारा हस्ताक्षरित एक याचिका प्रस्तुत करता हूं ।

ALLEGED CONSTITUTIONAL CRISIS IN NAGALAND

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER): Madam, I would like to raise the issue about the latest developments in Nagaland, and I have just requested that I may be allowed to speak on this.

Madam, the issue that I am raising is with reference to the unfortunate developments that have takn place in Nagaland, leading to a constitutional deadlock. I do not know whether the Government is applying its mind to this development which has brought about a complete constitutional deadlock but, none the less, I thought I should bring it to the notice of the House that in the north-east there have been secessionist activities for quite a long time and it is only in recent times that we have been able to bring in peace there and bring the different States into the mainstream through the process of democratic elections. But unfortunately in recent times, the game of defection has intensely started and abetment to defection is an unfortunate situation, which might create total instability in that region, perhaps for which, we may have to pay a very heavy price.

Madam, the situation is, that in the Nagaland Legislature the Congress Party had 36 members. Now I would not like to go into the details whether 10 members have defected or 12 members have defected but defection has taken place.

The misfortune is, that in spite of the fact that the Speaker of the Assembly has disqualified certain members, the report in the newspapers is that the Governor went to the extent of asking the Speaker to review his decision. When the Speaker did not proceed to review the decision, during the night the leader of the defected party has been asked to get himself sworn in, and the Governor has gone to the extent of swearing him in as the Chief Minister.

My friends who are sitting on the other side have been off and on talking of value-based politics. When they were on this side, they were insistent that the recommendation of the Sarkaria Commission and also the Administrative Reforms Commission Report, must be scrupulously followed, in the sense that the strength of the party should be tested on the floor of the House. This they had been off and on repeating. But unfortunately, their voice is totally silent now. The situation is that it is a flagrant violation of the recommendation of the Sarkaria Commission and equally the recommendations of the Administrative Reforms Commission. The Janata Dal Party in its manifesto categorically came out that the strength in a case of defections, has to be tested on the floor of the House but having come to power, they perhaps think that it suits them to eschew what they had put down in their own election manifesto.

Madam, I would like to bring to your kind notice two provisions in the Tenth Schedule which have a very great bearing on what has happened and which should be reckoned with, but in clear violation of the Constitution the Governor has gone ahead to swear in the person who could not have been sworn it. That is why I submit that it is clear case of constitutional deadlock. It is a flagrant violation of the provisions of the Constitution itself. If one looks at clause 3 of the Tenth Schedule, it reads:

[Shri P. Shiv Shanker]

"Where a member of a House makes a claim that he and any other members of his legislative party constitute the group representing a faction..."

The words "representing a faction" may be noted.

"...representing a faction which has arisen as a result of a split in his original political party..."

Therefore, the *sine qua non* is that there should be first a split in the original party. It is only then that a faction could claim to get protection of the split by saying that one Third of his members constitute separate group. Then only they can get protection under this clause. I will read further:

"result of a split in his original political party and such group consists of not less than one-third of the members of such legislature party. ..."

The other side perhaps is trying to put for the that out of 36 members of the Congress Party, 12 have defected. This is the argument that is being put forth in the newspapers from those who are on the Government side. I am not going into the question, because two persons were already suspended. I will proceed on the premise of what has been said that 12 have defected. *Per se* the defection of the 12 itself cannot be justified under Clause 3, unless there is a split in the original political party. The original political party not having split, this one-third, even if it is so, becomes totally inconsequential. And what has been done by the Speaker? The Speaker disqualified them. If you kindly see Clause 6, it says:

"If any question arises as to whether a Member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such a House and his decision shall be final."

Clause 7 of the Schedule to the bar of jurisdiction. No court shall have the jurisdiction to go into it. Therefore, the situation is, if we go into the law, the Speaker's decision becomes final. Nobody can question the decision of the Speaker, not even the courts. Now, the situation is that the Speaker has disqualified these persons. In spite of the disqualifications of these persons, the Governor seems to be acting as an appellate authority. He overrides that decision in flagrant violation of the Constitutional provisions. When the Chief Minister says: I would like to test the strength on the floor of the House.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): It was not allowed in Karnataka also last time.

SHRI P. SHIV SHANKER: My dear friend, if you would like to seek consolation from the mistakes of the past, you are welcome to do that. But you talk of value-based politics. Then don't talk of it. If you say you are as good or as bad as the previous regime had been and the manner it had been working, then I am prepared to accept your argument.

Now, the point that I was trying to bring to the notice of the House is, firstly the concept of the split of one-third itself is contrary to the very constitutional provision. It cannot be given credence whatsoever because Clause 3 is absolutely clear. The second part of it is that the Speaker has disqualified the persons and when his decision is final and it could not have been challenged in the court of law—neither the procedure nor the substantive part of it—it is not justiciable. under Article 212 either which has been referred to in Sub-clause 2 of Caluse 6. If that be so, the Governor, in flagrant violation of the Constitution, not only usurped the authority, but has also the and a city to invite another person and swear him in

the night, which is most unusual. This is where I thought the House should exercise itself about the action in which the Nagaland Government has been placed in a total Constitutional deadlock. I would not like to go into the conduct of the Governor, but I would certainly like to say this much that it is he who acted in a very extraordinary manner. I don't know what the Government is going to do. I am sure the Government of ment of the day, the manner in which they have statred defections, at least abetting the same, would perhaps give a pat to the Governor for the manner in which he has acted. But I would like to submit that this is a dangerous game particularly in the North-Eastern tates where in many a State peace has returned and democratic process has come to stay. If this destabilisation process goes ahead which they have already started in some of the States as well earlier, this would not only be an unfortunate thing but it will lead to chaos in that region and it will be another issue which might become uncontrollable. I thought I should just make our views known on this. This action of change of Government has to be condemned. I am sure, Mr. Morarka who is jumping in his seat would equally condemn it. But gentleman as he is, he would not like to prove himself otherwise I have nothing more to say. Thank you very much.

SHRI M. M. JACOB (Kerala): When he was on this side, he condemned that kind of action.

SHRI KAMAL MORARKA (Rajasthan): Madam Deputy Chairman, I wish I could respond the way Shiv Shankerji wants me to respond. On the principles that he has enunciated, I think the House should be unanimous. Number one, defections are bad.

SHRI N. K. P. SALVE (Maharashtra): The principle of law...

SHRI KAMAL MORARKA: I will come to that, if you permit me. The principles of politics that we have enunciated are the very principles on which the National Front was founded, the very principles on which we have fought elections and I dare say the very principles on which the people have elected us to power. There is no question of our going back from the well-stated principles that we are against defections in public life. We are against interference with the auhority of the Governor....(*Interruptions*)... Unless you let me speak, it is impossible for you to understand my submission.

SHRI YASHWANT SINHA (Bihar): Even otherwise, it is difficult for them to understand.

SHRI KAMAL MORARKA: I would like a patient hearing from Shiv Shankerji, Salve saheb, Fotedar saheb and Chavanji. Fortunately I have noted down the points raised by Shiv Shankerji.

SHRI M. M. JACOB: Have you excluded me?

SHRI KAMAL MORARKA: Mr. Jacob also. The entire Opposition and my side of the party also.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): What do you mean by "my side of the party also"?

SHRI KAMAL MORARKA: Of course, the third side also.

Sir, on the principle, the correct method to determine the majority in the Legislature, the correct place is the floor of the Legislature. We stand for it. In Nagaland, according to the information that we have got, after it was reported that 12 people from the ruling party have decided to split their party, it was reported that the Chief Minister made a public statement that there is no crisis in the

Government. The Chief Minister, if principles, he should have gone to he was following the well laid-down the Governor and said "Please call the Legislature. I want to prove the majority on the floor of the House."... *Interruptions*) ...Let me finish.

SHRI YASHWANT SINHA: That is the crux of the matter.

SHRI KAMAL MORARKA: What happened on the day that these 12 people decided to split the party? The Chief Minister publicly said "There is no crisis in the Government." Now on the point of Mr. Shiv Shanker, a very interesting point he has raised, the Tenth Schedule, Clause 3. That Clause 3 talks of a split in the original political party. What is the original political party? According to that Act, the party is the Legislature party. Now this is very unfortunate. When the Anti-Defection Act was being enacted, there were people like Mr. Madhu Limaye who wrote articles in the newspapers. He said "You are setting a dangerous precedent because you are making the Legislature parties independent of their parent organisations." Now the test that you have to put is whether the Congress-I Legislature party in Nagaland has split or not. That is the case. The original Congress party does not mean the Congress-I organisation. This is a matter of law which you please...

SHRI P. SHIV SHANKER: Will you yield for a minute? There is also a definition, if you kindly look up. Kindly look up the Tenth Schedule. It also defines the Legislature party and also the original political party. The original political party is 1(c). It says:

> "The original political party in relation to a Member of a House means the political party to which he belongs for the purposes of sub-paragraph 1 of paragraph 2."

Therefore, the political party to which he belongs outside the Legislature, that must split... (*Interruption*)... What is it that you are talking about? You read it.

SHRI KAMAL MORARKA: Mr. Shiv Shanker, if that was the definition, immediately after the enactment of the Anti-Defection Act, within a few months, there were four Janata Party MLAs in Manipur who all joined the Congress Party. There was no split in the Janata Party. But the interpretation was that since the entire Janata Legislature party has joined the Congress (I), it is within the... (*Interruptions*).

SHRI P. SHIV SHANKER: Nobody raised this issue at that time. In fact, if you kindly read the definition of the Legislature party, it says:

> "Legislature party in relation to a member of a House belonging to any political party, in accordance with the provisions of para 2 or para 3 or as the case may be, para 4, means the group consisting of all the members of that House for the time being belonging to that political party in accordance with the said provisions."

Therefore, split of Legislature party is distinct from the split in the original political party. The two have got to submerge for the purpose of taking advantage of paragraph 3.

THE MINISTER OF INFORMATION AND BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): According to his interpretation, the original political party is the Congress(I) Organisation Wing. Is it split in the Nagaland Branch of the Congress(I) or at the All India level? How will you interpret that? (Interruption).

SHRI P. SHIV SHANKER: Just a moment. (*Interruption*) May I just submit that the point raised by the Minister of Parliamentary Affairs is irrelevant for the present purpose.?

(*Interruptions*). It need not be traversed. If you can prove that there is a split in the Nagaland Congress (I) party also, well, I am prepared to accept it. (*Interruptions*). I am just saying this for the purpose of argumnet, (*Interruptions*) No, no, I am answering the Minister. He has raised a very irrelevant question. I am only trying to show that it is irrelevant. You prove it. There is no case. (*Interruptions*) We are not on a hypothesis today.

SHRI KAMAL MORARKA: Mr. Shiv Shanker, will you allow me to speak? I have got your point.

SHRI P. SHIV SHANKER: Mr. Morarka, since it has been raised, I am answering it. Otherwise, I am not called upon to do so. If you kindly look up for a while, the explanation to clause 2:

> "For the purposes of this subparagraph, an elected Member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such Member."

SHRI KAMAL MORARKA: Madam, I wish that the interpretations given by Mr. Shiv Shanker were the intent of the legislature. They were not. If you see the speeches delivered when the Bill was passed, when you see how this particular provision applied to the various cases since 1985, it has been clear and much to my dislike, that each Legislature party has been treated as a unit and it is one-third of that. The practice is the other thing. In five years, I will give you ten cases where it has happened.

The next point which he has taken up is the Speaker's disqualification. This is even more serious. Let us forget clause 10. If it is a fact that the office of the Speaker has come under severe stress and strain due to this particular provision which enjoins upon the Speaker to take a decision, I am sorry to say, Speakers of all the Legislatures of the various States are under tremendous pressure from the parties to which they originally belonged. If we are discussing only the Constitution, then the Governor has a right to appoint a Chief Minister and give him thirty days for proving his majority, which he has done. (*Interruptions*). Clause 3 of the Tenth Schedule says:

> "Where a member of a House makes a claim that he and any other members of his legislature party constitute the group representing a faction which has arisen as a result of a split in his original political party....."

I agree with you. Many people have left various political parties since 1985 to whom the Speakers have given recognition too. If that interpretation holds good, all that is illegal. (*Interruptions*).

SHRI N. K. P. SALVE: All the controversy will be solved if you would answer only one query. In the light of clause (a) to the Explanation of paragraph 2 which is referred to in the definition section, is not the orignal party taken to be the party which has given ticket to a member?

SHRI DIPEN GHOSH (West Bengal): You are becoming wise now. (*Interruptions*). If you are discussing that issue, then we are also entitled to take part. It cannot be a bilateral talk. (*Interruptions*).

THE DEPUTY CHAIRMAN: I will allow you.

SHRI DIPEN GHOSH: It is a serious matter. If the Leader of the Opposition had thought it fair to raise the issue in the shape of a discussion, I would have participated in the discussion. (*Interruptions*). If you had allowed the Leader of the Opposition to make a reference about a happening and one from this side to react, it is all right. But the reading of legal books, laws, etc., as if we are all audience to the... (*Interruptions*).

SHRI P. SHIV SHANKER: It happened in the course of that.

SHRI DIPEN GHOSH: Who is he to speak of what is happening? Whether his explanation is correct or his interpretation is correct... (*Interruptions*).

SHRI P. SHIV SHANKER: You give your explanation. You give the third explanation.

SHRI KAMAL MORARKA: I want to raise just two points. (*Interruptions*).

SHRI DIPEN GHOSH: Because it has gone against them, they have taken so much time. This is for the first time..... (*Interruptions*).

SHRI P. SHIV SHANKER: I know it is the burden of your song. You always would like to take political advantage of it. You would like to show the accusing finger towards us. (*Interruptions*).

THE DEPUTY CHAIRMAN: I am not sitting in judgment. Mr. Shiv Shanker raised an issue. Mr. Morarka wanted to speak. If you want to put your view-point, I would allow you some time. But I think that matter is not for us to decide. I have started feeling as if I am presiding over as a legal luminary. (*Interruptions*).

SHRI P. SHIV SHANKER: I will go that far. Let the Government make a statement. Let there be a further discussion.

SHRI GURUDAS DAS GUPTA (West Bengal): Madam, may I submit one thing. The point is, there has been some development in Nagaland and it is quite likely that the Congress party will have their own view of the problem and they have a line of thinking. That is definitely there. And the other side, the Janata Dal, will be having their own opinion. But, Madam, let me tell you very frankly that decency in politics, code of conduct in politics, decorum in politics, is very important today, even now, because we are faced with problems of decadence; we are faced with problems of erosion of values; we are faced with problems that corrode the very fabric of the democratic life of the country. That being the principle, all the political parties are definitely called upon to play the game according to the rule of the game. If the rule of the game is broken, then the breaking of the rule may boomerang on them also. But in this specific case whether there has been a breaking of rule, is a matter of controversy and that can only be discussed and decided at the appropriate level. I think, it is the Governor who will take stock of the things or it is the President who can interfere. ... (*Interruptions*) ...

THE DEPUTY CHAIRMAN: Let him finish. ... (*Interruptions*)..Don't interrupt him. ... (*Interruptions*) ...

SHRI GURUDAS DAS GUPTA: But the point is, if we have to give our opinions, I feel, Madam, sense of propriety calls all of us to participate in the discussion and to make our position very clear because whatever might have been the development, each of the parties will have its own opinion to say; it cannot be a matter of concern of the two leading parties of the country because it involves very many important questions relating to democracy of our country. ... (*Interruptions*) ...

THE DEPUTY CHAIRMAN: We are not discussing it. ... (*Interruptions*). ...There is no discussion of any kind before the House. Neither the Chairman nor I have given any permission. Mr. Shiv Shanker wanted to say his viewpoint and Mr. Kamal Morarka requested me for permission to say a few words. That is all about it. We are not discussing it. ... (*Interruptions*) ...

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): महोदया, अगर अपोजिशन के नेताओं को उत्तर में... (व्यवधान)...

THE DEPUTY CHAIRMAN: Let Mr. Kamal Morarka who was speaking finish. ... (*Interruptions*)... Let

him finish please. He listened to Shri Shiv Shankerji very patiently and everybody should listen to him also. ...(*Interruptions*)... Let him finish in two minutes and that matter will be over. ...(*Interruptions*)...

SHRI KAMAL MORARKA: Madam, Shri Shiv Shankerji made a very important point...(*Interruptions*)...

SHRI JAGDISH PRASAD MATHUR: Madam, I want a ruling.... (*Interruptions*)...Madam, I want a ruling. ...(*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Madam, let him be allowed to complete his viewpoint. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Let him complete. ...(*Interruptions*)...

श्री जगदीश प्रसाद माथुर : महोदया, विरोधी दल के नेता ने एक मुद्दा उठाया, यदि सरकार की तरफ़ से कोई उत्तर दिया जाता तो बात मेरी समझ में आती थी। मोरारका साहब सरकार की तरफ़ से नहीं बोल रहे हैं, आपने बोलने की अनुमति दी है। मैं क्लिंग चाहूंगा कि जो अनुमति दी है वह मुझे और अन्य साथियों को भी दी जानी चाहिए।

उपसभापति : मुझे अनुमति देने पर कोई एतराज नहीं है, लेकिन क्योंकि यह लिस्टिड बिजनेस नहीं है ... **(व्यवधान)** ...

O.K. If you are not happy with them, I will see whatever is being spoken will not go on record, neither of Shri Shiv Shanker nor of Shri Kamal Morarka. All right. Finish. ...(*Interruptions*)... I will not allow it to go on record...(*Interruptions*)..

SHRI P. SHIV SHANKER: I spoke under your permission...(*Interruptions*)..I spoke under your permission. What is unparliamentary? I have not said anything unparliamentary. ...(*Interruptions*)...I have not said anything unparliamentary. Madam. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: See, when I gave permission on an issue which some Members have raised, I allowed other Members also to speak. This has not happened for the first time, but it is happening everyday. Sir, now whatever is being said, if you are not happy with it, it is not my interest that anything should go on record. Mr. Shiv Shanker spoke, he spoke. All right. It is up to you. ...(*Interruptions*)...All right. Just a minute. ...(*Interruptions*)... If you want a full-fledged discussion, please go to the Chairman, request him for the time and discuss it. I have not objection. ...(*Interruptions*) ...

AN HON. MEMBER: We are very much interested in the next subject. ...(*Interruptions*)..We are interested in tht next subject, Madam. ...(*Interruptions*)...

SHRI JAGDISH PRASAD MATHUR: Madam. I humbly submit that you cannot afford to be partial to one Member of a particular group. ...(*Interruptions*).

SHRI CHATURANAN MISHRA (Bihar): Madam, it is a serious thing. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: That's why I have allowed it.

SHRI CHATURANAN MISHRA: Some substantive motion is to be there. ...(*Interruptions*)... I request the Leader of the Opposition that if what he has spoken is a serious thing, then he should bring forward a substantive motion. That is why I am requesting you, Madam, to ask the Member to bring forward a substantive motion....(*Interruptions*)... Just casually he mentioned it. ...(*Interruptions*)...

SHRI P. SHIV SHANKER: No, not casually, but in all seriousness. I raised the issue. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Please listen to Kamal Morarka now. ...(*Interruptions*)...

SHRI KAMAL MORARKA: If other Members want to express their views, they can do so. But I do not know why they are taking more time of the House. I do not understand it... (*Interruptions*)...The issue is not smaller than their agitation. I don't understand it... (*Interruptions*)...

SHRI GURUDAS DAS GUPTA: Mr. Morarka should be allowed . . . (*Interruptions*) . . .

THE DEPUTY CHAIRMAN: Mr. Morarka, you finish it in one or two minutes.

SHRI KAMAL MORARKA: I will just deal with two points which Shri Shiv Shankerji has raised. I do not want to go into the legality because it has already taken much time . . . (*Interruptions*) . . .

SHRI P. SHIV SHANKER: I presume that it is the Government's view that you are expressing... (*Interruptions*)...

SHRI KAMAL MORARKA: I am sure, it is the Government's view... (*Interruptions*) and I am sure, privately it is your view also... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Just a minute... (*Interruptions*)...The Law Minister is on his legs.... (*Interruptions*)...Just a minute. The Law Minister is on his legs... (*Interruptions*)...All of you, please sit down. The Law Minister is on his legs and he will be giving the Government's views . . . (*Interruptions*) . . .

SHRI KAMAL MORARKA: I am sure, this way you cannot allow anybody to speak... (*Interruptions*)...

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): Madam, I would only like to point out that a Constitutional issue has been raised and if the Constitutional issue is to be answered, either there must be a direction from you or there must be a debate and then the Government will be expressing its view on that. A Private Member's view cannot be the Government's view.. (*Interruptions*)...

SHRI KAMAL MORARKA: It is correct... (*Interruptions*)...

THE DEPUTY CHAIRMAN: You see, I allowed Mr. Shiv Shanker to speak and I think Mr. Morarka has a right to speak as a Member or as anybody else... (*Interruptions*)...

SHRI KAMAL MORARKA: They do not believe in that. Madam, I am saying my view and I am sure that is the Government's view also... (*Interruptions*)...

SHRI G. SWAMINATHAN (Tamil Nadu): Madam, how can he say that?

THE DEPUTY CHAIRMAN: Who are you to ask that? ...(*Interruptions*)... He is saying what he wants to say. You are not a part of the Government. Let the Government deny that... (*Interruptions*)...

SHRI G. SWAMINATHAN: How can he say that?... (*Interruptions*)... He is not a Minister... (*Interruptions*)...

THE DEPUTY CHAIRMAN: Why are you bothered about it? Let the Minister deny that . . . (*Interruptions*) . . .

SHRI M. M. JACOB: Mr. Morarka's view also is important... (*Interruptions*)...

SHRI G. SWAMINATHAN: Then you should allow others also. Why Mr. Morarka alone?... (*Interruptions*)...

SHRI VISHVJIT P. SINGH (Maharashtra): Madam, is he expressing his view as a Private Member or the view of the Government? I want a reply... (*Interruptions*)...

THE DEPUTY CHAIRMAN: There is no question of any reply. If you are going to insist on that, I will not allow anything at all... (*Interruptions*)...Please behave yourself in a sensible manner... (*Interruptions*)... I have allowed enough to Mr. Shiv Shanker, more than seventeen minutes. Without there being a substentive motion, I have allowed him so much time... (*Interruptions*)...

SHRI KAMAL MORARKA: Madam, the sum and substance is this: One-third of the ruling party there has split and formed a party of its own and staked its claim to form the Government. The ruling Chief Minister did not call the Assembly. The Governor had to recourse except to go by his own decision. Therefore, the Sarkaria Commission's recommendation, in our opinion, has not been infringed in any manner. This has been our stand also and this has been the substance of whatever we were demanding when we were in the Opposition. Mr. Shiv Shanker was talking about healthy political practices. Surely we can have a debate outside the House and an all-party meeting can be held on this matter.

Mr. Shiv Shanker referred to the North-East and said that it is a senstive area. We agree with him. But it is only his party which was playing ducks and drakes with the North-East and which has brought the North-East to its present condition. They have been fiddling with it. The North-East is in trouble and the Bodoland and the Darjeeling and other movements have been there even while there Government was in power there. The North-East has been suffering and nobody has a right to talk about the North-East. From the time of Jayaprakash Narayan and Reu. Michael Scott, these people who are sitting here have been trying their best in Nagaland. We will do nothing to disturb the condition there. Let me add for the information of the Members that the present Government there is not the National Front Government and we have no axe to grind. They are the local parties and they have split and they have formed the Government there and these people have lost the majority. There is nothing unconstitutional in this and nothing unconstitutional has been done. ...(*Iterruptions*)...

THE DEPUTY CHAIRMAN: Now, this matter is over... (*Interruptions*)...

SHRI P. SHIV SHANKER: Madam, I have spoken on this... (*Interruptions*)...Only one sentence I want to say... (*Interruptions*)...

SHRI DIPEN GHOSH: Madam, I am on a point of order... (*Interruptions*)...

SHRI P. SHIV SHANKER: I am seeking the permission of the Chair... ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Just a minute. What is your point of order, Mr. Ghosh?

SHRI P. SHIV SHANKER: Madam, I would like to utter only one sentence as a reaction to what has been said... (*Interruptions*)...

SHRI DIPEN GHOSH: Madam, just now you declared that there was no substantive motion.

THE DEPUTY CHAIRMAN: Yes.

SHRI DIPEN GHOSH: Madam, only the Leader of the Opposition was allowed to make certain references to certain developments and Mr. Morarka also desired to say something on that reference. So, you allowed Mr. Morarka to speak. You also said that if there is a discussion, then others also will be allowed. O.K. You have allowed a discussion to take place without there being as motion from Mr. Shiv Shanker. If that is the case then we should also be allowed to speak. Otherwise once Mr. Morarka has spoken, it should be completed

[Shri Dipen Ghosh]

here and now and there cannot be any bilateral talks between Mr. Shiv Shanker and Mr. Morarka ....(*Interruptions*)....

SHRI P. SHIV SHANKER: Nobody is indulging in a bilateral talk. I raised an issue of constitutional deadlock and the case of subversion of democracy. The Governor must be recalled. The Governor has acted in flagrant violation and the Government has abetted in the Governor behaving in that way. We would like to walk out in protest against the manner in which the Governor has acted and the Government has abetted with the Governor. It is a shame for democracy and your party is supporting it. These are the people.

[*At this stage home hon. Members left Chamber*]

SHRI SUBRAMANIAN SWAMY: In protest against this disgraceful act I also walk out.

[*At this stage home hon. Members left Chamber*]

SHRI JAGDISH PRASAD MATHUR: What has prompted you to be partial to one single Member?

THE DEPUTY CHAIRMAN: I am never partial, Mr. Mathur. You had divorced this House and you have just come back. You should learn the things which are happening in this House...

SHRI JAGDISH PRASAD MATHUR: In between?

THE DEPUTY CHAIRMAN: Yes, in between a lot of water has flowed under the bridge. And there is a little bit going over your head. आप कृपया स्थान ग्रहण कर लीजिये ।

In our House we try to solve problems we don't try to aggravate them. That is why I allowed Mr. Shiv Shanker when he wanted to raise some point. And I allowed Mr. Kamal Morarka also. There is no substantive motion. So there is no discussion. So now we are not talking any more on that.

श्री चतुरानन मिश्र : कांग्रेस वाले वाक-आउट करना नहीं भूलते हैं । हम लोग राज्य करना ठीक से नहीं भूले हैं। ऐसा डेजीगनेशन चेंज हो गया है कि गड़बड़ी हो रही है ।

उपसभापति : चलिये, अभी बिल खत्म कर दीजिये ।

LEGISLATIVE COUNCILS BILL, 1990

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOSWAMI: Madam, I beg to move—

> That the Bill to provide for the creation of Legislative Councils for the States of Andhra Pradesh and Tamil Nadu and for matters supplemental, incidental and consequential thereto, be taken into consideration.

Under Article 169 of the Constitution Parliament may, by law, provide, *Inter alia*, for the creation of a Legislative Council in a State having no such Council, if the Legislative assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting. The same Article also contemplates that any such law may contain such supplemental, incidental and consequential provisions as Parliament may deem necessary.

The Legislative Assembly of Andhra Pradesh passed a resolution on 22-1-1990 under Article 196(1) for the creation of a Legislative Council for the State. The State Government has